

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.66754 of 2018

Arising Out of PS.Case No. -180 Year- 2017 Thana -BAJPATTI District- SITAMARHI

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Dhirendra Kumar Jha @ Pintoo Jha, Son of Late Ramchandra Jha, resident of village- Bangaon, P.S.- Bajpatti, District- Sitamarhi.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Ashhar Mustafa, Advocate.

For the Opposite Party : Mr. Dr. Rabindra Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 01-11-2018 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is apprehending his arrest in a case for the offence registered under Sections 341, 323, 307, 427, 504 and 506/34 of the IPC.

The prosecution story, in brief, is that after death of husband of mother-in-law of the informant, she was living alone in the village-Bangaon, P.S. Bajpatti because she has no son. She has only three daughters who have already married and she was looked after by her son-in-laws. Her villager Dhirendra Kumar Jha (petitioner) trying to grab her land bearing Khata No. 187, Plot No. 4075, Area 30 decimals to make a *Path*, but she opposed his act and she informed the informant. Upon which, he came his in-



laws house with his *Sadhu* and son to resolve the matter and he asked the petitioner about his wrongful act which caused annoyance to the petitioner who inflicted knife blow on his head with intention to kill him and his son, namely, Gyantosh Kumar was also beaten him by *Lathi*.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. Nature of injury is said to be simple. No offence under Section 307 of the IPC is made out. Rests of the offences are triable by the Magistrate.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M. Pupari, Sitamarhi, in connection with Bajpatti P.S. Case No. 180 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of



Criminal Procedure.

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(Sudhir Singh, J)

